

Message Text

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ACTION EA-14

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INR-09 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14

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R 161040 Z MAR 73

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 8758

INFO AMEMBASSY OTTAWA

USDEL FRANCE

C O N F I D E N T I A L SAIGON 4338

E. O. 11652 GDS

TAGS: PFOR VS

SUBJECT: SUBMISSION OF ICCS REPORTS TO THE PARTIES

SUMMARY: NO PROCEDURE HAS APPARENTLY YET BEEN ESTABLISHED FOR HANDLING ICCS REPORTS IN ACCORDANCE WITH CEASE FIRE AGREEMENT OR ACT OF PARIS. THREE REPORTS HAVE BEEN FORWARDED BY ICCS TO FPJMC, BUT LETTERS OF TRANSMITTAL DO NOT REQUEST SUBMISSION TO GOVERNMENTS AS PARTIES TO THE PARIS AGREEMENT AND CONFERENCE. EMBASSY PROPOSES CONSULT INFORMALLY WITH GVN AND CANDEL TO ENCOURAGE ESTABLISHING PROCEDURE FOR FORWARDING REPORTS TO SIGNATORIES OF PARIS ACT. ACTION REQUESTED: DEPARTMENT COMMENTS REQUESTED SOONEST ON PROCEDURES SUGGESTED.

1. THE EMBASSY HAS RECENTLY RECEIVED COPIES OF THREE ICCS REPORTS ON INVESTIGATIONS (DEMONSTRATIONS AT HUE, SHELLING AT TRI TON, AND CANADIAN STATEMENT REGARDING REQUEST FOR INVESTIGATION AT KHE SANH). EACH OF THESE WAS FORWARDED TO FPJMC BY LETTER FROM ICCS CHAIRMAN TO FPJMC HOST. NONE OF THESE LETTERS INDICATES SPECIFICALLY THAT THE TRANSMISSION IS INTENDED TO BE A SUBMISSION OF THESE REPORTS TO THE PARTIES TO THE PARIS AGREEMENT IN ACCORDANCE WITH ARTICLE 18 B) OR C).

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2. OUR IMPRESSION IS THAT NO SERIOUS THOUGHT HAS BEEN GIVEN BY ICCS DELEGATIONS AS TO CHANNELS TO USE FOR REPORTING TO PARTIES. IN CASUAL CONVERSATION, CANDEL ELGAL OFFICER INDICATED UNFAMILIARITY WITH PROBLEM AND PROPOSED TO DISCUSS MATTER WITH MEMBERS OF SHARP ENTOURAGE DURING CURRENT VISIT.

3. ARTICLE 6 OF THE ACT OF PARIS PLACES RESPONSIBILITY ON THE PARTIES TO THE PARIS AGREEMENT TO TRANSMIT ICCS REPORTS TO ALL COUNTRIES REPRESENTED AT THE PARIS CONFERENCE AND THE UN SECRETARY GENERAL, SINCE THE SUBMISSION OF REPORTS TO THE PARTIES, WITH THE EVENTUAL POSSIBILITY OF RECONVENING THE INTERNATIONAL CONFERENCE.

IS THE ONLY MECHANISM PROVIDED FOR ICCS TO AIR ITS VIEWS BEYOND THE TWO SOUTH VIETNAMESE PARTIES AFTER X PLUS 60, THIS IS A KEY FEATURE OF THE CEASE FIRE MECHANISM. FURTHERMORE WE BELIEVE AN INITIATIVE TO ESTABLISH A WORKABLE PROCEDURE PRIOR TO X PLUS 60 WOULD BE A POSITIVE FACTOR IN CANDIAN CONSIDERATION OF ICCS EFFECTIVENESS AND VIABILITY.

4. A POSSIBLE PROCEDURE WOULD BE FOR GVN TO UNDERTAKE TRANSMISSION OF ICCS REPORTS TO THE FIVE OTHER NON COMMUNIST NATIONS REPRESENTED AT PARIS AND TO THE UN SECRETARY GENERAL LEAVING PRG TO TRANSMIT TO HANOI, PEKING, MOSCOW, WARSAW, AND BUDAPEST. (THIS OF COURSE, ASSUMES PRG WOULD BE AGREEABLE.) GVN MIGHT MOST CONVENIENTLY DELIVER REPORTS TO UK, FRENCH AND US REPS IN SAIGON AND THRU GVN DELEGATION IN PARIS TO EMBASSIES OF GOVERNMENTS NOT REPRESENTED IN SAIGON (CANADA AND INDONESIA, WHICH WILL PROBABLY HAVE BEEN INFORMED BY THEIR ICCS DELEGATIONS) CHANNEL FOR ICCS TO GVN AND PRG WOULD PRESUMABLY HAVE TO BE THROUGH DELEGATIONS TO TPJMC. WHETHER OR NOT DRV ESTABLISHES LIAISON MISSION TO ICCS IN SAIGON, WE WOULD NOT EXPECT INCIDENTS ARISING AFTER X PLUS 60 WOULD INVOLVE FOUR PARTIES, AND WE WOULD PREFER GVN RATHER THAN US TO HAVE THE CONTINUING RESPONSIBILITY FOR RELATIONS WITH GOVERNMENTS IN QUESTION REGARDING CEASE FIRE.

5. ALTERNATIVELY, IF WE ARE PRIMARILY CONCERNED TO ENSURE THAT REPORTS REACH ALL PARTIES TO THE CONFERENCE PROMPTLY, US COULD TAKE THE RESPONSIBILITY BY INTERPRETING ARTICLE 6 OF THE FINAL ACT AS ALLOWING ALL ICCS REPORTS TO BE TRANSMITTED TO THE FOUR PARTIES. US COULD THEN ACT INDIVIDUALLY TO FORWARD REPORTS TO ALL PARTIES (EXCEPT PRG, DRVN AND GVN) WITHOUT REGARD TO ACTION BY OTHER RECIPIENTS. THIS WOULD HAVE ADVANTAGE OF SIMPLICITY AND CONFIDENTIAL

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SPEED, BUT WOULD PLACE US IN CENTER STAGE ON ALL CONTENTIOUS ISS-

UES WHICH ATTRACT ICCS ATTENTION.

6. WE PROPOSE TAKE EARLY OPPORTUNITY TO DISCUSS THIS ISSUE INFORMALLY WITH GVN AT APPROPRIATE LEVEL AND WITH CANDEL.

7. ACTION REQUESTED:

DEPARTMENT COMMENTS ON THE SUGGESTED PROCEDURES ARE REQUESTED SOONEST SO THAT WE CAN DISCUSS INFORMALLY WITH THE GVN AND CANDEL.

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